

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

S.S.,

Plaintiff,

SA-24-CV-01055-JKP

VS.

SCOTT ASH JAMES ZIRUS, CAMP
STEWART FOR BOYS INC.,
AMERICAN INSTITUTE FOR FOREIGN
STUDY, INC.,

Defendants.

ORDER

Before the Court is the above-styled cause of action, which was referred to the undersigned for all non-dispositive pretrial proceedings [#8]. In order to enter a scheduling order for this case, the Court will require the parties to file scheduling recommendations. The Court will also order the parties to confer in accordance with Rule 26. For purposes of this Order and going forward in this case, when the Court orders the parties to confer, that means Plaintiff and Defendants Camp Stewart for Boys, Inc. and American Institute for Foreign Study, Inc. shall confer with each other in the usual manner. Because Defendant Sirus Zirus is incarcerated, the parties should confer with him by exchanging written proposals. The Court will not hold an initial pretrial conference, as Defendant Zirus's incarceration would prevent him from appearing.

IT IS THEREFORE ORDERED that the parties confer in the manner required by Rule 26 of the Federal Rules of Civil Procedure, as modified above; further, pursuant to Local Rule CV-16 the parties should submit their Joint Discovery/Case Management Plan in a form that

substantially conforms with Appendix N of the Local Rules and that answers the following questions no later than **April 21, 2025**.

1. Are there any outstanding jurisdictional issues?
 - a. For removed cases based on diversity jurisdiction, do the parties agree that the amount in controversy exceeded \$75,000 at the time of removal? If not, each party should state its position on the amount in controversy.
 - b. For cases based on diversity jurisdiction, have all parties filed a disclosure statement as required by Rule 7.1(a)(2) naming and identifying the citizenship of every individual or entity whose citizenship is attributed to each party? If not, disclose that information here. This means LLCs and LPs must disclose the names of their members/partners and the citizenship of each member/partner.
2. Are there any unserved parties? If more than 90 days have passed since the filing of the Complaint or petition, should these unserved parties be dismissed?
3. What are the causes of action, defenses, and counterclaims in this case? What are the elements of the cause(s) of action, defenses, and counterclaims pled?
4. Are there any agreements or stipulations that can be made about any facts in this case or any element in the cause(s) of action?
5. State the parties' views and proposals on all items identified in Fed. R. Civ. P. 26(f)(3).
6. What, if any, discovery has been completed? What discovery remains to be done? Have the parties considered conducting discovery in phases?
7. What, if any, discovery disputes exist?
8. Have the parties discussed the desirability of filing a proposed order pursuant to Federal Rule of Evidence 502?
9. Have the parties discussed mediation?

During their conference, the parties should also address whether a protective order is required, and whether the protective order in Appendix H-1 (to govern standard cases) or Appendix H-2 (to govern complex cases) of this Court's Local Rules is appropriate.

IT IS FURTHER ORDERED that the parties submit a **proposed scheduling order** pursuant to Local Rule CV-16(c), no later than **April 21, 2025**. The proposed scheduling order shall contain suggestions for the following deadlines:

1. Offer of Settlement: The parties asserting claims for relief must submit a written offer of settlement to opposing parties by _____, and each opposing party must respond in writing by _____.

2. Amend/Supplement Pleadings, Joinder of Parties: Subject to Local Rule CV-15, the parties shall file all motions to amend or supplement pleadings or to join additional parties by _____.

3. Designation of Witnesses, Experts, and Exhibits: All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and must **SERVE** on all parties but **NOT FILE** the materials required by Fed. R. Civ. P. 26 by _____. Parties resisting claims for relief must file their designation of potential witnesses, testifying experts, and proposed exhibits, and must **SERVE** on all parties but **NOT FILE** the materials required by Fed. R. Civ. P. 26 by _____. All designations of rebuttal experts must be designated within ____ **days** of receipt of the report of the opposing expert.

4. Expert Testimony Objection: An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 must be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, **within** ____ **days** of receipt of the written report of the expert's proposed testimony, or **within** ____ **days** of the expert's deposition, if a deposition is taken, whichever is later.

5. Discovery: The parties must complete discovery by _____. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

6. Dispositive Motions: All dispositive motions shall be filed by _____. Dispositive motions and responses to dispositive motions are limited to 20 pages in length, and any reply in support of a dispositive motion is limited to 10 pages in length. *See* Local Rule CV-7.

7. Mediation: The parties must mediate this case on or before _____, and file a report in accordance with Local Rule CV-88 within one week of the completion of mediation.

8. The Court will set dates for trial and the final pretrial conference after ruling on any dispositive motions or after the deadline for such motions passes without a pertinent filing. At that time, the Court will also set appropriate deadlines for trial and pretrial conference matters.

IT IS SO ORDERED.

SIGNED this 7th day of March, 2025.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE